

APPENDIX 5-1

PROPERTIES EXCLUDED FROM SECTION 4(F) CONSIDERATION

Appendix 5-1, *Properties Excluded from Section 4(f) Consideration*, details the properties initially considered, but determined as not qualifying for protection under Section 4(f). A brief description of each property is provided, followed by reasons for the determinations.

Potential Section 4(f) Properties Excluded from Consideration

Rio Salado Oeste

Description

The planned Rio Salado Oeste (RSO) project is an approximately eight square mile (3,315 acres) habitat restoration, flood control, and recreation project. RSO is located within the 100-year floodplain of the Salt River between 19th and 83rd avenues (Figure A-1) in the City of Phoenix, Arizona. When completed, RSO would connect two similar types of projects; Rio Salado at 19th Avenue and Tres Rios at 83rd Avenue. Together, the three projects would support the restoration of approximately 20 miles of riverbed.

Currently, the United States Army Corps of Engineers (USACE) and the City of Phoenix are preparing a Draft Environmental Impact Statement (EIS) to support the RSO feasibility study. This study will investigate feasibility alternatives to examine native riparian habitat restoration in conjunction with flood control, water quality, and passive recreation in the form of multi-use trails (Federal Register, 2001; United State House of Representatives, 2003). The draft was released in May 2006. Construction of RSO is anticipated to begin in 2010, but this will depend on the procurement of funding for construction (S. Estergard, pers comm, 16 May 2005).

Impacts

All Western Section action alternatives would cross the Salt River and would directly affect the planned RSO project. The E1 Alternative does not affect RSO. USACE and the City of Phoenix have anticipated a freeway crossing the RSO and view it as an opportunity to direct stormwater runoff from the freeway to support irrigation of the river habitat. USACE indicated that any footprint impacts due to footings could be addressed further in the design process of the SMTC (S. Estergard, pers comm, 16 May 2005).

Section 4(f) Eligibility

Section 4(f) of the Department of Transportation Act of 1966 protects three basic types of resources: publicly owned parks and recreation areas, publicly owned wildlife and waterfowl refuges, and historic sites. Upon detailed review, it was determined that RSO should not be considered a Section 4(f) property under these designations for reasons explained below.

Although plans for RSO include a recreation element, this is neither the sole nor the primary use of the project and therefore, would exclude RSO as a resource afforded protection under Section 4(f). According to USACE, “the Feasibility Study for Rio Salado Oeste is to determine if environmental restoration and flood damage reduction with incidental recreation in this reach of the Salt River in Phoenix, Arizona meets Federal Objectives” (Estergard, 2005). Further, USACE policy mandates that, “Recreation development at an ecosystem restoration project should be totally ancillary” (USACE, 1998 & 1999). USACE has instituted a Ten Percent Limit Rule stating that the level of financial participation in recreation development by the USACE may not increase the federal cost to the ecosystem restoration by more than ten percent without prior approval (USACE, 1998 & 1999). RSO



will follow the Ten Percent Rule (Estergard, 2005). RSO's primary purpose is habitat restoration, not recreation; therefore, it is not eligible for Section 4(f) consideration under this criterion.

Publicly owned wildlife and waterfowl refuges are also eligible for consideration under Section 4(f); however, RSO has not been officially designated as such by a federal, state, or local agency and therefore, is not eligible for Section 4(f) consideration under this criterion (U.S Fish and Wildlife Service, 2005).

Recreation and Public Purposes Act Parcel

Description

On May 18, 2004, the City of Phoenix received a Recreation and Public Purposes Act (RPPA) Lease from the Bureau of Land Management (BLM) for a 159.32-acre parcel of land located in the Salt River channel between 67th and 59th avenues (Figure A-2). The legal location of this parcel is N $\frac{1}{2}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, and Lot 3 of Section 30 of Township 1 North, Range 2 East (BLM, 2004d). The RPPA parcel was leased to the City of Phoenix as an addition to the Rio Salado Habitat Restoration Project (BLM 2004a & 2004b).

According to the Environmental Assessment undertaken by the BLM for the lease, the City of Phoenix would use the land for restoring native vegetation, environmental education, and recreation. The City would improve and manage the land in accordance with the plan of development and management submitted by the City titled, Proposed Rio Salado Oeste Habitat Restoration Project (BLM, EA 2004c).

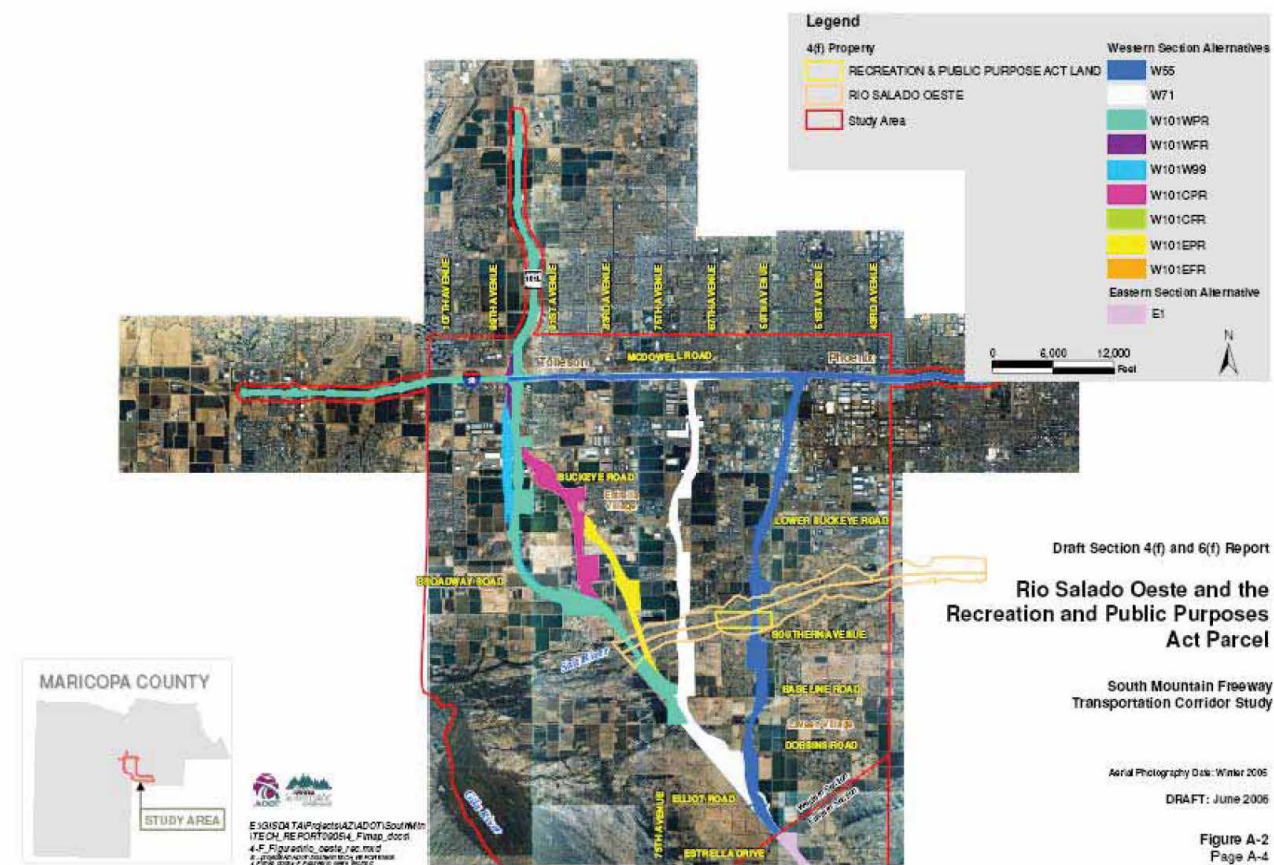
Impacts

The W55 Alternative would cross the Salt River and would thus directly affect the RPPA parcel.

Section 4(f) Eligibility

Upon review, the RPPA parcel, as a part of RSO, should not be considered a Section 4(f) property under either designation for reasons explained below.

The EA indicates that RSO would include multi-use trails, scenic overlooks, wildlife viewing blinds, interpretive signage, environmental education facility with outdoor classrooms, water wells and reservoirs, irrigation system, park maintenance facility, intermittent stream, native riparian habitat and erosion control structures. Since the RPPA parcel would include multiple uses within the context of the RSO, the USACE Ten Percent Rule would apply and recreation, as defined by Section 4(f), would not be the sole or primary use of the property. Therefore, RPPA parcel as part of RSO would not be afforded Section 4(f) consideration. The RPPA parcel has not been designated as a wildlife and waterfowl refuge by a federal, state, or local agency and therefore, is not eligible for Section 4(f) consideration under this criterion (U.S Fish and Wildlife Service, 2005).



The RPPA of 1954, as amended (43 U.S.C. 869, et seq.) authorizes the sale or lease of public lands for recreational or public purposes to state and local governments or qualifying non-profit organizations. Examples of typical uses under the RPPA are historic monument sites, campgrounds, schools, fire stations, municipal facilities, landfills, hospitals, and parks (BLM, 2004d). Roads, unless within a State Park, are not an authorized public purpose under the RPPA (43 U.S.C Title 23, §2741.7), therefore, none of the SMTC alternatives and options would be an acceptable use under the RPPA.

Salt River Project 99th Avenue Lateral

Description

The Salt River Project (SRP) 99th Avenue lateral is a segment of open, unlined SRP canal that extends from Lower Buckeye Road for 0.5 miles along the east side of 99th Avenue (Figure A-3). The SRP system is recognized as NRHP-eligible under Criterion A for its important association with the development of irrigation agriculture in the Salt River Valley. Earthen canals such as the 99th Avenue lateral, were once common irrigation features throughout the Salt River Valley, but are becoming increasingly rare as they have been lined and piped underground to accommodate urban development (Brodbeck and Touchin, 2005).

Impacts

The W101WPR, W101WFR, and W101W99 options would result in an actual use of the SRP 99th Avenue lateral (Figure A-3).

Section 4(f) Eligibility

The SRP 99th Avenue lateral is eligible for consideration as an historic property. However, the SRP 99th Avenue lateral should not be considered a Section 4(f) property for reasons explained below.

The SRP 99th Avenue lateral is being converted to an underground pipe in response to urban development. The south half of the canal is in the process of being piped underground as part of the Pecan Promenade development project on the northeast corner of 99th Avenue and Lower Buckeye Road. The north half is slated to be piped underground as part of the City of Phoenix's Estrella District Park (see Property Number 28 - Estrella District Park, Western Section). Estrella District Park's completion date is dependent upon the results of the March 2006 Bond Election (J. Anderson, pers. comm., 28 March 2005). The bonds passed in March 2006; however, there is currently no information as to timing and dispersal of funds. To date, the City of Phoenix has not requested SRP pipe the northern portion of the 99th Avenue lateral (B. Sampson, pers comm., 16 Sept. 2005).

The SRP 99th Avenue lateral is being converted to an underground pipe in response to urban development. The south half of the canal is in the process of being piped as part of the Pecan Promenade development project on the northeast corner of 99th Avenue and Lower Buckeye Road. The north half is slated to be piped underground as part of the City of Phoenix's Estrella District Park (see Property No.15 Estrella Park). SRP and the Bureau of Reclamation (BOR) are currently in the process of preparing a report for the canal



documenting its history and engineering as a form of mitigation. Upon completion of these projects, the 99th Avenue lateral will no longer be considered a contributing component of the overall eligibility of the SRP irrigation network. The timing of the piping of the north portion of the 99th Avenue lateral is dependent upon the March 2006 Bond Election. To date, the timing and dispersal of funding has not been determined.

It is anticipated that the 99th Avenue lateral will not be eligible for Section 4(f) protection for the following reasons: 1) The piping is planned as part of Estrella District Park; once piped the lateral will no longer be NRHP-eligible; and 2) SRP and the BOR are in the process of mitigating the canal.

City of Phoenix Trails System

Description

The City of Phoenix General Plan 2001 shows an extensive network of existing and planned trails throughout the city (Figure A-4). According to the General Plan, “the trail alternatives and crossing locations are conceptual and must remain flexible to accommodate future development” (City of Phoenix, 2005).

Impacts

The Eastern and Western Section action alternatives and options would result in a direct use of several City of Phoenix trails.

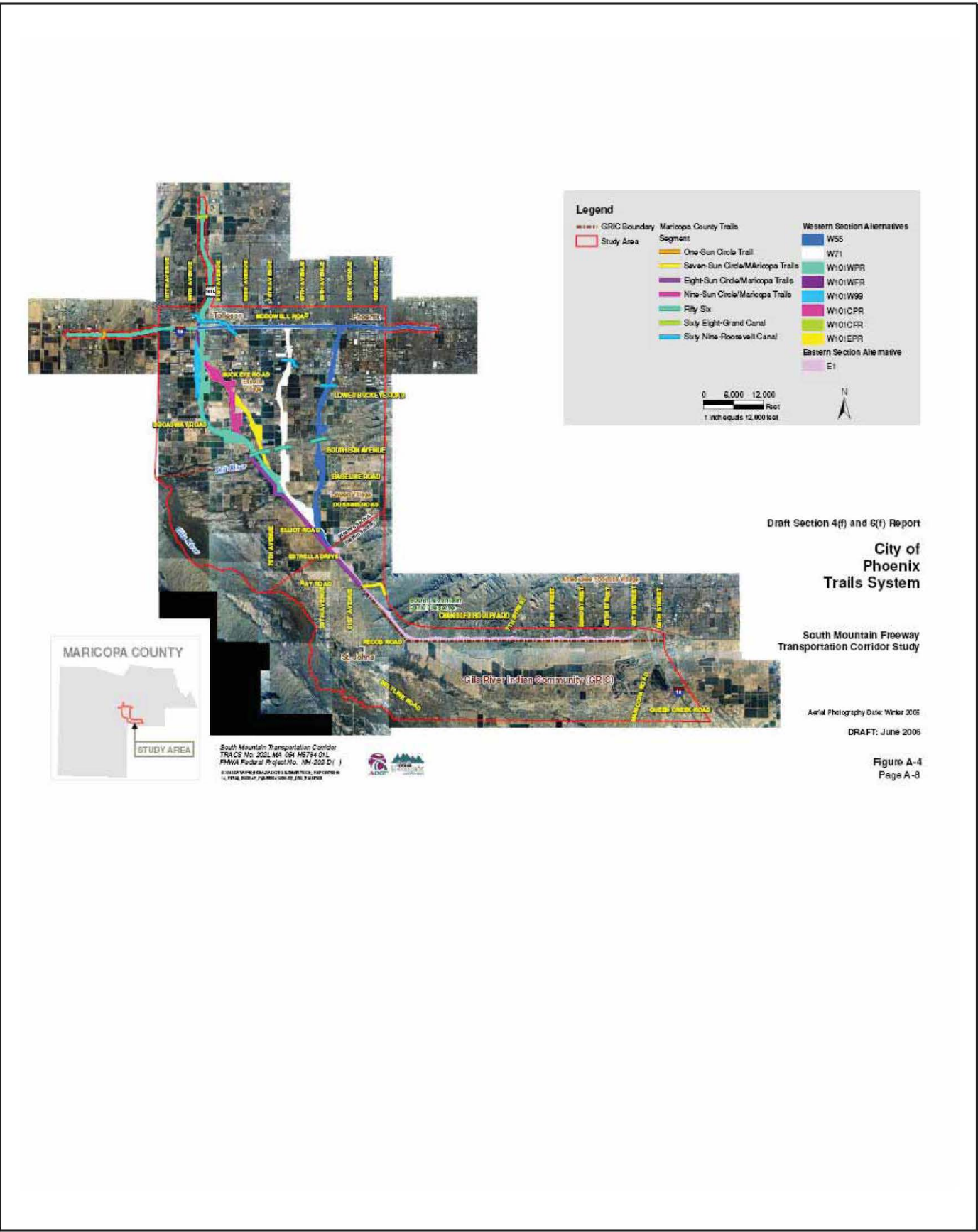
Section 4(f) Eligibility

The City of Phoenix Trails would be eligible for consideration as recreation areas. However, these trails should not be considered Section 4(f) resources for reasons explained below.

According to Goal 4 in the Circulation Element of the General Plan, “Since approximately 40 percent of all trips are less than two miles in length, bicycling and walking can help relieve roadway congestion. Bicycling and walking can be practical for all types of trips, such as to the grocery store, the video rental store and school. These trips can be made either on roads or off roads on separate paths” (Phoenix, 2005c). This statement in the General Plan indicates that pedestrian trails maintained by the City of Phoenix are used for transportation and thus are not primarily recreational.

The Recreation Element of the General Plan further indicates that the City, in cooperation with private developers is working to provide trails. If trails are built on private land and maintained by the developers, the trails would not be subject to Section 4(f) protection. Ownership information is currently unavailable from the City of Phoenix.

The City of Phoenix has received Transportation Enhancement Activities (TEA) Funds for development/improvement of their trails. TEA funds are not available for trails that are solely recreational; therefore these trails would not be considered Section 4(f).



City of Phoenix Trails are not considered Section 4(f) properties, however, the City has requested that regardless of the selected alternative, the existing and proposed trails be accommodated by providing wider bridges, pedestrian-equestrian tunnels, and other accommodations to preserve proposed and established trails network (City of Phoenix, 2005). These requests are not addressed under Section 4(f).

Schools Excluded from Section 4(F) Consideration

Public schools whose recreation areas are accessible to the public for walk-on activity are considered Section 4(f) resources under the Department of Transportation Act of 1966. Schools determined not to provide walk-on activity to the public are not provided protection under Section 4(f).

Properties Excluded From Section 6(F) Consideration

Section 6(f) of the Land and Water Conservation Fund Act (LWCF) prohibits the conversion of property acquired or developed with grants from the LWCF to a non-recreational purpose without approval from the National Park Service (NPS) and the Interagency Committee for Outdoor Recreation (IAC).

In 1966, Maricopa County received a LWCF grant to install signs along the Sun Circle Trail. These signs have sustained irreparable damage or are missing. Since the original signs funded by LWCF monies are no longer in existence, protection under Section 6(f) is no longer applicable (S. Thomas, pers comm., 3 March 2005).

Bibliography/References

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- Bureau of Land Management. 2004a. Decision: Recreation and Public Purpose Act Lease A-31292. May 19, 2004.
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- Bureau of Land Management Phoenix Field Office. 2004c. Environmental Assessment AZ-020-2004-43 For City of Phoenix's Recreation and Public Purposes Act Lease Application A-3192. February 2004.
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United States Army Corps of Engineers. 1999. Water Resources Policies and Authorities: Ecosystem Restoration-Supporting Policy Information. Available Online at <http://www.usace.army.mil/inet/usace-docs/eng-pamphlets/ep1165-2-502/entire.pdf>. September 30, 1999.

United States Code. U.S.C Code, Title 43, Chapter 20, § 869, Disposal of Lands for Public or Recreational Purposes. Available Online at http://www.law.cornell.edu/uscode/htm/uscode43/usc_sec_43_00000869----000-.html.

United States Code. U.S.C Code, Title 43 Sec. 2741.7, Acreage Limitations and General Condition. Available Online at http://www.law.cornell.edu/uscode/htm/uscode43/usc_sec_43_000002741.7----000-.html.

United States. Fish and Wildlife Service. 2005. America’s National Refuge System. Available Online at <http://www.fws.gov/refuges/>.

United States House of Representatives. July 15, 2003. Press Release. \$23 million for Rio Salado and Valley area water projects approved by House panel. Available Online at <http://www.house.gov/pastor/pr030715.htm>

Winfrey, B. Letter to Audrey Under. June 24, 2005.

PERSONAL COMMUNICATIONS

Scott Estergard, USACE Water Resource Planner, May 16, 2005.

Byron Sampson, Carter Burgess Unit Leader Urban Design and Planning of Estrella Park, September 16, 2005.

Steve Thomas, Federal Highway Administration, March 3, 2005.

Boyd Winfrey, City of Phoenix Parks and Recreation Department, May 16, 2005.

Traditional Cultural Properties Excluded from Section 4(f) Consideration

Villa Buena Traditional Cultural Property

Description

Villa Buena is the remains of an approximately 537-acre prehistoric Hohokam village. The majority of Villa Buena is located on Gila River Indian Community (Community) land; however, the site extends outside the Community onto private land. The Community, Akimel O’odham, and Pee Posh tribes consider Villa Buena an important site that plays a role in their culture, identity, history, and oral traditions. Because of its importance in the Native American community’s history and cultural identity, Villa Buena is considered a traditional cultural property (TCP) and is National Register of Historic Places (NRHP)-eligible under Criterion A. The portion of Villa Buena off Community land in the Study Area was leveled by agricultural development in the early 1900s. The remainder of the site was largely undeveloped land used for livestock. Despite the agricultural development and land use over the decades, it is likely that cultural features and deposits are preserved below the plow zones.

Impacts

The W101 and W71 Alternatives would cross the off-tribal land portion of Villa Buena. It should be noted that the size and boundaries of Villa Buena are based on the archeological site boundaries and the TCP does not have defined boundaries. Using the archeological limits, 112 of approximately 537 acres would be converted to a transportation use. To mitigate the impacts, the Community has prepared a conceptual mitigation plan (described further in the *Cultural Resources* section of Chapter 4 of the Draft Environmental Impact Statement) to implement measures that would document the cultural attributes associated with the site’s TCP status. The off-tribal land portion of the TCP has been subject to disturbance through development, and it is reasonably foreseeable that regardless of the proposed action, further development as planned for will substantially alter the physical attributes of the land associated with the TCP. Because it is possible the TCP would be affected by the proposed action, the mitigation plan, as agreed upon by the Arizona Department of Transportation (ADOT), Federal Highway Administration (FHWA), State Historic Preservation Office (SHPO), and the Community, will help preserve the traditional cultures, practices, and oral histories associated with the TCP.

Section 4(f) Eligibility

Upon review, the nontribal land portion of the Villa Buena TCP should not be considered a Section 4(f) property. Although eligible under Criterion A of Section 106 of the National Historic Preservation Act (NHPA), stakeholders concur the attributes of the TCP are importantly associated with oral history and not from an association with physical attributes of the land. Therefore, the attributes of the traditions will be protected through the mitigation plan and the attributes will be preserved despite any development plans for the area (including any involving the proposed action). For this reason, the nontribal land portion of the Villa Buena TCP is not considered a Section 4(f) property.

Pueblo del Alamo Traditional Cultural Property

Description

Pueblo del Alamo was a Hohokam village site from the Colonial to Classic period. It is located north of the Salt River, north and south of Lower Buckeye Road, and extends east and west of 59th Avenue. Pueblo del Alamo also has been subject to several archaeological excavations as well as substantial disturbance through agricultural development, road construction, house and power line construction, trash dumping, and erosion. The Community, Akimel O’odham, and Pee Posh tribes consider Pueblo del Alamo an important site that plays a role in their culture, identity, history, and oral traditions. Because of its importance in the Native American community’s history and cultural identity, Villa Buena is considered an off-tribal-land TCP and is NRHP-eligible under Criterion A.

Impacts

The W59 Alternative would likely cross Pueblo del Alamo. It should be noted that the size and boundaries of Pueblo del Alamo are based on the archeological site boundaries and the TCP does not have defined boundaries. To mitigate the impacts, the Community has prepared a conceptual mitigation plan (described further in the *Cultural Resources* section of Chapter 4 of the Draft Environmental Impact Statement) to implement measures that would document the cultural attributes associated with the site’s TCP status. The off-tribal land portion of the TCP has been subject to disturbance through development and it is reasonably foreseeable that regardless of the proposed action, further development as planned for will substantially alter the physical attributes of the land associated with the TCP. Because it is possible the TCP would be affected by the proposed action, the mitigation plan, as agreed upon by ADOT, FHWA, SHPO, and the Community, will help preserve the traditional cultures, practices, and oral histories associated with the TCP.

Section 4(f) Eligibility

Upon review, the Pueblo del Alamo TCP should not be considered a Section 4(f) property. Although eligible under Criterion A of Section 106 of the NHPA, stakeholders concur the attributes of the TCP are importantly associated with oral history and not from an association with physical attributes of the land. Therefore, the attributes of the traditions will be protected through the mitigation plan and the attributes will be preserved despite any development plans for the area (including any involving the proposed action). For this reason, the nontribal land portion of the Villa Buena TCP is not considered a Section 4(f) property.

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APPENDIX 5-2

SECTION 4(F) CORRESPONDENCE AND DOCUMENTS

Appendix 5-2, Section 4(f) Correspondence and Documents, includes a right-of-way easement document from the City of Phoenix (June 20, 1977) and letters from the United States Department of the Interior Bureau of Land Management (April 20, 1989), and ADOT Highways Division (June 20, 1989) that provide insight on treatment of the South Mountain Park in relation to Section 4(f). The letters also address the applicability of the Recreation and Public Purposes Act and Historic Preservation Zoning, respectively. Correspondence and documents regarding the Hudson Farm are also included in this appendix. The reader is referred to Chapter 5, Section 4(f) Evaluation, and Appendices 2-1 and 2-2 for more information pertaining to communications associated with the Section 4(f) evaluation.

Return to: Minnesota Title Company, Trustee
3003 N. Central Avenue
Phoenix, Arizona 85012
Trust No. 1646 - Benny Gonzalez

110,288 AMT
When recorded return to:
Right of Way Division
Salt River Project
P.O. Box 1980
Phoenix, Arizona 85001

1237561128
RIGHT OF WAY EASEMENT

Please record at the request of the City of Phoenix.
235273
R/W # AGT VDA
COUNTY Maricopa
PARCEL # 300-4-1

CITY OF PHOENIX, ARIZONA, a municipal corporation.

EASEMENT (ES)
DISCLOS

herein called the Grantor, for and in consideration of the sum of Ten Dollars and other valuable consideration paid by the MINNESOTA TITLE COMPANY, as Trustee under Trust # 1646, for the SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT, a political Subdivision of the State of Arizona, as Project Manager and authorized Agent for certain Beneficiaries named on Exhibit "A" attached hereto and by reference made a part hereof, herein called the Grantee, the receipt of which is hereby acknowledged, do hereby grant and convey unto the Grantee, its successors and assigns, a right of way easement 200 feet in width, in, upon, over, under and across the lands hereinafter described, to erect, construct, reconstruct, replace, repair, maintain and use for itself and others, a line or lines of poles or steel towers and wires or cables suspended thereon and supported thereby, and underground conduits, cables, vaults and manholes for the transmission and distribution of electricity, and for all other purposes connected therewith, and for telephone, signal and communication purposes, including guys, anchorage, crossarms, braces and all other appliances and fixtures for use in connection therewith, at such locations and elevations, upon, along, over and under the hereinafter described right of way as Grantee may now or hereafter deem convenient or necessary from time to time, together with the right of ingress thereto and egress therefrom, to and along said right of way. Grantee is hereby authorized to permit the attachment of wires, cables and facilities of others to the poles, towers or structures maintained by it pursuant to this easement.

The lands through and across which this right of way easement is granted are situated in the County of Maricopa State of Arizona, and are particularly described as:

All that portion of Lots 4, 7 and 8 of Section 27, Township 1 South, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying within a strip of land 200 feet wide, parallel with and measured at right angles and adjoining the Northeasterly boundary of the Gila River Indian Community.

Reserving unto the Grantor herein the right to use the above described right of way strip for horse, bicycle and hiking trails, not withstanding other language in this easement to the contrary.

It being understood that this easement conveys an aerial right of way only and no poles or other structures are to be placed on said property by virtue of the rights herein granted, and that the transmission line will not be lower than 30 feet from the surface of the land.

ATTEST:
Robert M. Vanegas
CITY CLERK

Grantor shall not erect, construct or permit to be erected or constructed any building or other structure, plant any trees, drill any well, park or store vehicles, store materials of any kind, or alter ground level by cut or fill, within the limits of said right of way.
Provided however that Grantor may with the prior written consent and in the sole discretion of the Grantee use the easement area for such purposes as: agriculture, roads, alleys, culverts, cross fences, grazing, irrigation ditches, pipelines, and crossings for trails, driveways and public utilities.
Grantee shall have the right to erect, maintain and use gates in all fences which now cross or shall hereafter cross said right of way and to trim, cut and clear away trees or brush whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights hereby granted.
In the event the Grantee permanently abandons said right of way, all Grantee's rights hereunder shall cease, except for the right to remove any and all property placed upon said right of way within a reasonable time subsequent to such abandonment.
The provisions hereof shall be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, CITY OF PHOENIX, ARIZONA, a municipal corporation,

has caused its corporate name to be signed and its corporate seal to be affixed by the undersigned officers thereto duly authorized, this 20th day of June 1977.

MARVIN A. ANDREWS, City Manager

By: [Signature] Real Estate Administrator

ATTEST:

On this 20th day of June 1977, before me, Deborah Paglia, the undersigned officer, personally appeared Fred L. Parke who acknowledged themselves to be the Real Estate Administrator and [Signature] respectively of the City of Phoenix

and that they as such officers respectively being authorized so to do, executed the same for the purpose therein contained by signing the name of said corporation by themselves as such officers respectively.

In witness whereof I have hereunto set my hand and official seal.

My Commission expires March 21, 1978 [Signature] Notary Public

CHECKED
WRITTEN

DESCRIPTION 5-10-77

EXHIBIT "A"

BOOK 1237561129

THE FOLLOWING IS/ARE THE BENEFICIARY/BENEFICIARIES IN MINNESOTA TITLE COMPANY TRUST # 1646:

ARIZONA PUBLIC SERVICE COMPANY, an Arizona corporation
P. O. Box 21666
Phoenix, AZ 85036

SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT, a political subdivision of the State of Arizona
P. O. Box 1980
Phoenix, AZ 85001

PUBLIC SERVICE COMPANY OF NEW MEXICO, a New Mexico corporation
P. O. Box 2267
Albuquerque, NM 87103

EL PASO ELECTRIC COMPANY, a Texas corporation
P. O. Box 982
El Paso, TX 79999

STATE OF ARIZONA } ss
County of Maricopa }

I hereby certify that the within instrument was filed and recorded at request of

Minnesota Title Company

AUG 15 1977 2:45

in Book 1237561129

on page 1128-1129


Witnessed and official seal hereunto subscribed.

Tom Swanson


County Recorder

By Deputy Recorder

199



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
ARIZONA STATE OFFICE
3707 N. 7TH STREET
P.O. BOX 16563
PHOENIX, ARIZONA 85011

IN REPLY REFER TO:
2740 (931)

April 20, 1989

Mr. John L. Louis, P.E.
Urban Highway Section
Arizona Department of Transportation
Highways Division
206 South Seventeenth Avenue
Phoenix, Arizona 85007

Dear Mr. Louis:


We have received your request for permission of the Secretary of the Interior to authorize construction of the South Mountain Freeway through the Phoenix South Mountain Park. The South Mountain Park lands were conveyed to the City of Phoenix by a grant under the provisions of the Recreation and Public Purposes Act (R&PP) on September 29, 1927. The grant specified that the lands were to be "used for municipal, park, recreation, playground or public convenience purposes".

The Bureau procedure, in response to such requests as yours, is to make a determination that the proposed third party facility is appropriate. Upon a written determination by the authorized officer that the third party facility is appropriate, the patentee may then authorize the facility. The Bureau has no further role in authorizing the facility.

We have evaluated your proposal and find it consistent with the purposes for which the lands were conveyed and that the facility is in furtherance of a public purpose. Our determination is that the proposed facility is appropriate. This determination does not relieve the patentee of any responsibility for proper use and control of the lands or the risks involved in improper use.

If I can be of further assistance, please feel free to contact me.

Sincerely,



Lynn Engdahl
Associate State Director

cc: Phoenix City Council



ARIZONA DEPARTMENT OF TRANSPORTATION

HIGHWAYS DIVISION

206 South Seventeenth Avenue Phoenix, Arizona 85007

ROSE MOFFORD
Governor
CHARLES L. MILLER
Director

June 20, 1989

THOMAS A. BRYANT, II
State Engineer

City of Phoenix Historic Preservation Commission
C/O City Planning Department
125 E. Washington, Third Floor
Phoenix AZ 85004

ATTENTION: Ms. Vicki Vanhoy

SUBJECT: South Mountain Park
Historic Preservation Zoning

Dear Ms. Vanhoy:

The Arizona Department of Transportation (ADOT) has adopted an alignment for the South Mountain Freeway. A portion of this alignment passes through the southwest end of South Mountain Park (see attached drawing).

This alignment has gone through a Location and Preliminary Design Public Hearing and has had a Final Environmental Assessment prepared. The alignment was approved by the Phoenix City Council on February 3, 1987 and adopted by ADOT in August 1987.

The Bureau of Land Management has determined that the South Mountain Freeway is consistent with the purposes for which the land was conveyed to the City of Phoenix and that the facility is in furtherance of a public purpose. ADOT has initiated the acquisition process for the area within South Mountain Park (see attached letters).

Rezoning Application Number 39-89-8 indicates that the portion of South Mountain Park which is required for the South Mountain Freeway is within the limits of the proposed Historic District.



VICKI VANHOY
June 20, 1989
Page 2

ADOT respectfully requests that the limits of the proposed Historic District be revised in this area to exclude the area of the park needed for construction of the South Mountain Freeway. This area is shown in detail on the attached drawing.

Thank you for your consideration. Please contact me or George Wallace at 255-7545 if we can assist in any way.

Sincerely,

C. DENNIS GRIGG
Urban Highway Engineer
Urban Highway Section

CDG:GW:vlb

cc: John L. Louis

Attachment



Janet Napolitano
Governor

Victor M. Mendez
Director

Arizona Department of Transportation
Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

February 11, 2005

Michael J. Ortega
State Engineer

Ms. Valdez
Principal
Alta E. Butler Elementary School
3843 West Roosevelt Street
Phoenix, AZ 85009

Re: Project Name: So Mountain Freeway
ADOT TRACS No.: 202 MA 54 H5764 01L
Project No.: RAM-202-C-200

Dear Ms. Valdez:

In coordination with the Federal Highway Administration (FHWA), the Arizona Department of Transportation (ADOT) is preparing an Environmental Impact Statement (EIS) to evaluate alternatives for a proposed South Mountain Freeway alignment and includes portions of the cities of Phoenix, Tolleson, the communities of Laveen and Ahwatukee, and the Gila River Indian Community (Figure 1 and Figure 2). As part of the EIS, an analysis of Section 4(f) properties must be completed. Section 4(f) properties are any publicly owned parks and recreation areas, waterfowl and wildlife refuges and historic sites considered to have national, state, or local significance.

To ascertain if the schools within the study area are considered Section 4(f) recreational areas, we would appreciate a response to the following questions:

- What recreational amenities are available at the school?
- What groups, other than your students, have access to the school grounds and for what recreational activities? (i.e. Little League, business tournaments, exercise classes, etc.) What is the approximate frequency and duration of these activities? Approximately how many users/visitors use these facilities?
- How are recreational amenities accessed? For instance, what streets provide access? Do people have to cross a parking lot to access the recreational amenity?
- Are the school grounds locked after hours? Do after hours activities have to be scheduled in advance?

This information is necessary to complete the environmental studies. Comments should be addressed to Audrey Unger, HDR Engineering, Inc. via US Mail at 3200 East Camelback Road, Suite 350, Phoenix, Arizona 85018; by email at Audrey.Unger@hdrinc.com; or by telephone at 602-522-4323. A response received by March 11, 2005 or sooner would be greatly appreciated. Thank you in advance for your cooperation.

Sincerely,

Maria Deeb-Roberge
Environmental Planner III
Environmental & Enhancement Group



2001 Award Recipient

The previous letter was also sent to:

Mr. Steve Ybarra, Principal, Carl Hayden High School
Ms. Cynthia Burson, Principal, Esperanza Elementary School
Ms. Kathy Kadderlick, Principal, Fowler Elementary School
Mr. John Fernandez, Assistant Principal, Isaac Middle School
Ms. Noreen Didonna, Principal, Isaac Preschool
Ms. Mary-Lou Cavez, Principal, J.B. Sutton School
Ms. Sharon Wilcox, Principal, Kyrene de la Estrella Elementary School
Mr. Jim Strogon, Principal, Kyrene de los Lagos Elementary School
Mr. Alfonso Alva, Principal, Morris K. Udall school
Ms. Carmen Gulley, Dean, Omega Academy Charter School
Ms. Brenda Martin, Principal, Pendergast Elementary School
Mr. Jim Paxinos, Principal, Porfirio H. Gonzales Elementary School
Mr. Jack Beck, Principal, Santa Maria Middle School
Ms. Belinda Quezada, Principal, Sunridge Elementary School
Mr. Harold Crenshaw, Principal, Tolleson Union High School
Mr. Justin Greene, Principal, Union Elementary School



Arizona Department of Transportation

Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

May 19, 2005

John A. Bogert
Chief of Staff

Mr. L.B. Scacewater
Director of Parks and Recreation
City of Phoenix Parks and Recreation Department
Phoenix City Hall
200 W. Washington Street, 16th Floor
Phoenix, AZ 85003

Re: Project Name: South Mountain Transportation Corridor
ADOT TRACS No.: 202 MA 054 H5764 01L
Project No.: RAM-202-C-200

Dear Mr. Scacewater:

In coordination with the Federal Highway Administration (FHWA), the Arizona Department of Transportation (ADOT) is preparing an Environmental Impact Statement (EIS) to evaluate alternatives for a proposed South Mountain Transportation Corridor alignment. The proposed alignments go through portions of the cities of Phoenix and Tolleson, the communities of Laveen and Ahwatukee, and the Gila River Indian Community. As part of the EIS, an analysis of Section 4(f) properties will be completed. Section 4(f) properties are any publicly owned parks and recreation areas, waterfowl and wildlife refuges and historic sites considered to have national, state, or local significance.

HDR Engineering, Inc is assisting FHWA and ADOT with the EIS and has been in communication with the City of Phoenix Parks and Recreation Department since February 2, 2005. Because specific Section 4(f) resource coordinates/locations are needed, a request for using the Parks and Recreation Department's GIS system was made on February 2, 2005. Mr. Boyd Winfrey denied our request for use of the GIS for bikeways, trails, and parks since the information is incomplete and /or not been formally adopted. Mr. Winfred indicated that we would have to use the City of Phoenix General Plan. The graphics and text in the General Plan are not detailed enough to allow for accurate digitizing and analysis.

While using the City of Phoenix General Plan for information, in it the Bicycling Element describes bicycling as a "popular and efficient method of transportation..." Could you please indicate whether all the City's bikeways are primarily for transportation? If not, please indicate which portions of the bikeways are *primarily* for recreation.

In our meeting on April 6, 2005, we discussed the City of Phoenix's trails system and it was explained that trails within the City of Phoenix were primarily recreational and not located within the



2001 Award Recipient

Mr. Scacewater
May 19, 2005
Page 2

City of Phoenix's roadway right-of-way. If this is not the case, please indicate trails that are *primarily* recreational and those that are *solely* recreational.

This information is necessary to complete the environmental studies. Comments should be addressed to Audrey Unger, HDR Engineering, Inc. via US Mail at 3200 East Camelback Road, Suite 350, Phoenix, Arizona 85018; or by email at Audrey.Unger@hdrinc.com. Please feel free to call me at 602-522-4323 should you have any questions. **A written response received by May 30, 2005 or sooner would be greatly appreciated.** Thank you for your continued assistance.

Sincerely,

Ralph Ellis
Environmental Planner
Environmental & Enhancement Group

cc: Marsha Wallace, Deputy City Manager
Boyd Winfrey, Parks Development



2001 Award Recipient



Arizona Department of Transportation

Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

David P. Jankofsky
Deputy Director

June 13, 2005

Ms. Terri Raml
Phoenix Field Office Manager
Bureau of Land Management
21605 N. 7th Avenue
Phoenix, Arizona 85027

Attn: Jim Andersen

Re: Request to participate in a coordination meeting to address issues related to the South Mountain Freeway Environmental Impact Statement

Dear Ms. Raml:

The Federal Highway Administration and the Arizona Department of Transportation, as joint lead agencies, are preparing a Location/Design Concept Report (L/DCR) and Environmental Impact Statement (EIS) regarding the proposed South Mountain Freeway located between I-10 west of Phoenix and I-10 southeast of Phoenix, in Maricopa County, Arizona. The L/DCR will identify and the EIS will evaluate a range of reasonable alternatives, including the no-build alternative, and their potential impacts upon the environment.

Background information:

The South Mountain Freeway is an integral element of the Maricopa Association of Governments' Regional Transportation Plan, and is included in the National Highway System.

A Notice of Intent to Prepare an EIS was published in the Federal Register in 2001. During the data-gathering phase of this effort, it was identified that property owned by the Bureau of Land Management (BLM) has been leased to the City of Phoenix under the regulations set forth in the Recreation and Public Purposes Act. The property is located between 59th and 67th Avenues north of Southern Avenue within the City of Phoenix. One of the proposed project alternatives, the W55 Alternative, under detailed study in the EIS would pass through this property also known as the Rio Salado Oeste. Through the lease, the City plans to use the property as part of the Rio Salado Oeste, a planned linear project for the purposes of wildlife habitat, recreational trails, and flood conveyance.



Ms. Terri Raml
June 13, 2005
Page 2


Request:

I request that FHWA, the Army Corp of Engineers (COE), ADOT, BLM and the City of Phoenix meet to resolving the following issues:

- Is Rio Salado Oeste afforded protection under Section 4(f)?
- Is there a way for the patented BLM parcel to be returned to BLM and reacquired by the City of Phoenix or ADOT under some other method? If so, would this remove the need to protect under 4(f)?

Your participation in this meeting is important, and I request that you or a member of your staff set time aside for this coordination meeting. Please let me know your availability during the week of July 18-22, 2005. Give 3 choices of dates and times you are available for this meeting. Please contact me by phone and/or email or you can notify my office, in writing, of your decision. We appreciate your cooperation to date, and look forward to working with you on this essential project. If you have any questions, please feel free to contact me.

Sincerely,


Maria A. Deeb-Roberge, PE, MEP.
Valley Environmental Team Leader
Environmental & Enhancement Group, ADOT
(602)-712-8641 phone
(602)-712-3352 direct fax
(602)-712-3066 main office fax
MDeeb-Roberge@azdot.gov

- c. Ralph Ellis, ADOT EEG
Mike Bruder, ADOT VPM
Project File



The previous letter was also sent to:

Ms. Cindy Lester, Department of Army, Los Angeles District Corps of Engineers, Arizona-Nevada Area Office

Mr. Steve Thomas, FHWA, Arizona Division

Mr. Bill Vachon, FHWA, Arizona Division

Mr. Jim Burke, Phoenix Parks and Recreation Department, City of Phoenix

Ms. Karen Williams, Planning Department, City of Phoenix

Mr. Jack Allen, HDR Engineering, Inc.

Ms. Amy Edwards, HDR Engineering, Inc.

Ms. Audrey Unger, HDR Engineering, Inc.



Janet Napolitano
Governor

Victor M. Mendez
Director

Arizona Department of Transportation

Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Sam Elters
State Engineer

January 19, 2006

Mr. Chris Coover
Maricopa Trail Manager
Maricopa County Parks and Recreation Department
411 N. Central Ave., Suite 470
Phoenix, AZ 85004

Re: Project Name: South Mountain Transportation Corridor
ADOT TRACS No.: 202 MA 54 H5764 01L
Project No.: RAM-202-C-200

Dear Mr. Coover

On September 6, 2005, a meeting was held with your agency and our consultant, HDR Engineering Inc., to discuss potential impacts on Maricopa County trails as a result of the various South Mountain Transportation Corridor (SMTc) alternatives. At that time, the Maricopa County Trails Commission requested participation in the planning/design of the preferred SMTc alternative as it relates to impacts on trails.

The Arizona Department of Transportation (ADOT) and the Federal Highway Administration (FHWA) welcome your participation, and anticipate that through this cooperative effort the potential SMTc will not adversely affect the activities, features, or attributes of Maricopa County Trails. When reaching this conclusion, we would request that the official(s) with jurisdiction over the trails agree in writing that the trails will not be adversely affected, in order to support the National Environmental Policy Act (NEPA) process.

The following bullets represent portions of the meeting minutes emailed to you on September 8, 2005. These items could serve as a starting point for planning trail mitigation.

- Designated access points to the trails are currently not known. A trailhead study has not yet been completed. It is likely that trailheads will be located at the juncture of two or more trails in order to make the most efficient use of infrastructure such as parking, restrooms, etc.
- The Maricopa County Trails Commission has indicated that their primary concern is the development of a continuous trail from South Mountain to the Salt River. Their preference is Segment Eight on the north side of proposed alternatives versus having the trail cross the freeway and proceed under the lattice towers on the south side. The preference is for the trail (Segment Seven and Eight) to cross from City of Phoenix-owned land to SRP-owned land, and not to cross private property.
- Currently Segment Seven starts at the South Mountain Park/Preserve boundary and does not connect to the National Trail. The National Trail crosses through South Mountain Park/Preserve. The Maricopa County Trails Commission has entered into an Intergovernmental Agreement (IGA) to connect Segment Seven to the National Trail.

Mr. Chris Coover
Page 2
January 19, 2006

Comments should be addressed to Audrey Unger, HDR Engineering, Inc. via U.S. Mail at 3200 East Camelback Road, Suite 350, Phoenix, Arizona 85018 or by email at Audrey.Unger@hdrinc.com. A response received by February 6, 2006 or sooner would be greatly appreciated. Thank you in advance for your cooperation.

Sincerely,



Ralph Ellis
Environmental Planner
Environmental & Enhancement Group

Enclosure: Project Study Area and Alternatives, Vicinity and Location Map



Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-2264

April 5, 2005

In Reply Refer To: HOP-AZ
STP 202-D(ADY)
TRACS No. 202MA 054 H5764 01L
South Mountain Freeway

Mr. LB Scacewater, Director
Phoenix Parks, Recreation, and Library Department
Phoenix City Hall
200 W. Washington Street, 16th Floor
Phoenix, Arizona 85003

Dear Mr. Scacewater:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are serving as lead agencies in the project development for the South Mountain Freeway. As part of project development, an Environmental Impact Statement studying potential human and natural environmental impacts due to the proposed action will be prepared concurrently with the preparation of a Design Concept Report.

As currently proposed, the South Mountain Freeway would connect with I-10 at the existing I-10/Santan Freeway traffic interchange and would extend westward around the southern side of South Mountain Park/Preserve and connect with I-10 somewhere between 51st Avenue and the I-10/Agua Fria Freeway traffic interchange. A map is attached depicting the alternatives under study. As shown on the map, all alternatives have a common alignment along the Pecos Road alignment in the eastern portion of the study area and all alternatives would pass through the southern portion of the South Mountain Park/Preserve. Section 4(f) of the U.S. Department of Transportation Act of 1966 states that the FHWA "may approve a transportation program or project requiring publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of a historic site of national, state, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if there is no prudent or feasible alternative to using that land and the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use" (49 U.S.C. 303).

A 'use' of a Section 4(f) resource, as defined in 23 CFR 771.135 (p), occurs:

1. when land is permanently incorporated into a transportation facility,
2. when there is a temporary occupancy of land that is adverse in terms of the statute's preservationist purposes, or
3. when there is a constructive use of land.



2

A constructive use of a Section 4(f) resource occurs when the transportation project does not incorporate land from the Section 4(f) resource, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. For example, a constructive use can occur when:

- The projected increase in noise level attributable to the project substantially interferes with the use and enjoyment of a noise-sensitive facility of a resource protected by Section 4(f);
- The proximity of the proposed project substantially impairs aesthetic features or attributes or a resource protected by Section 4(f), where such features or attributes are considered important contributing elements to the value of the resource. An example of such an effect would be locating a proposed transportation facility in such proximity that it obstructs or eliminates the primary views of an architecturally significant historical building, or substantially detracts from the setting of a park or historic site which derives its value in substantial part due to its setting; and/or
- The project results in a restriction on access that substantially diminishes the utility of a significant publicly-owned park, recreation area, or historic site.

This issue requires a coordinated effort with the City of Phoenix to come to terms as to the degree of impact that would occur on the park and if necessary, what types of measures could be undertaken to reduce those impacts. We are requesting a meeting with you and other City officials you deem appropriate be held to initiate the coordination for this effort. At that meeting, we can present to you our current understanding of how the freeway would affect the park and also present a list of concept-level measures we have identified to reduce the potential impacts.

We would like to schedule this meeting as soon as possible. A representative of ADOT will be contacting you directly. If you have any questions in the meantime, please contact Steve Thomas at 602-379-3645, x-117.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure

cc.

SThomas ,BVachon, Deeb-Roberge (619E),Ellis (614E), Bruder (609E), Amy Edwards (HDR),
Jack Allen (HDR)
SDThomas:cdm



Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-2264

December 15, 2005

In Reply Refer To: NH-202-D(ADY)
TRACS No.: 202L: MA 054 H5764 01L
South Mountain Transportation Corridor

Mr. Rick Conrad
Superintendent for Finance
Cartwright Elementary School District
3401 North 67th Avenue
Phoenix, Arizona 85033

Dear Mr. Conrad:

The Arizona Department of Transportation (ADOT), in coordination with the Federal Highway Administration (FHWA) is preparing an Environmental Impact Statement (EIS) to evaluate alternatives for a proposed South Mountain Freeway alignment (Figure 1). We are in the process of finalizing information on Section 4(f) properties gathered from your school district to date.

Section 4(f) properties are publicly owned parks and recreation areas, waterfowl and wildlife refuges, and historic sites considered to have national, state, or local significance. Schools within the study area may be considered Section 4(f) recreational areas if they are available for walk-on public use during off-school hours. We have not identified any existing or planned Cartwright Elementary District within ¼ mile of the proposed South Mountain Transportation corridor alignments:

To ensure that the above information is correct please indicate whether the information is still current or if there are change. Please respond in writing to Audrey Unger, HDR Engineering, Inc. via US Mail at 3200 East Camelback Road, Suite 350, Phoenix, Arizona 85018 or by email at Audrey.Unger@hdrinc.com. **A response received by January 14, 2005 or sooner would be greatly appreciated.** Thank you for your continued assistance.

Sincerely yours,

STEPHEN D. THOMAS

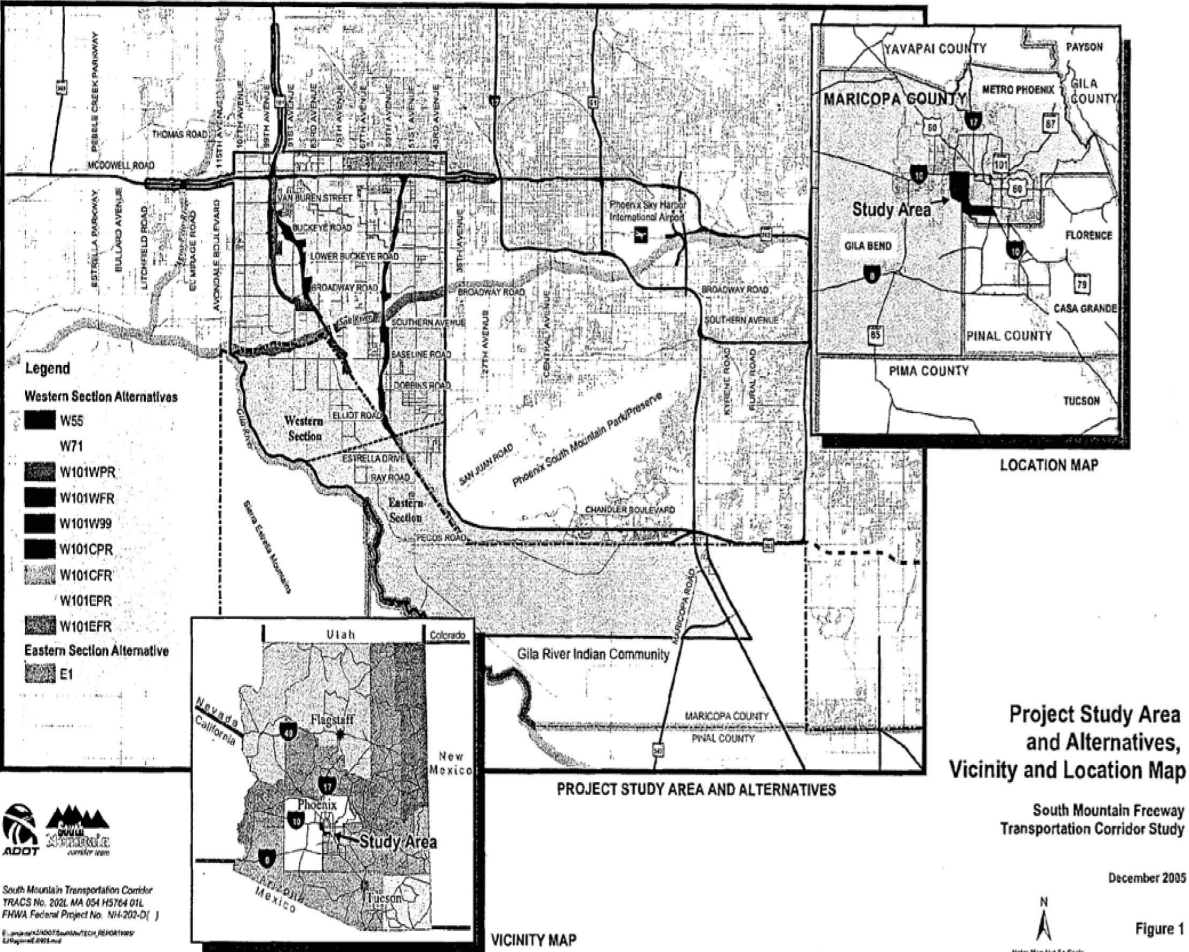
Robert E. Hollis
Division Administrator

Enclosure

cc:

SThomas
BVachon
REllis (619E)
AUnger (HDR)
SDThomas:cdm





Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-2264

December 15, 2005

In Reply Refer To: NH-202-D(ADY)
TRACS No.: 202L: MA 054 H5764 01L
South Mountain Transportation Corridor

Dr. Randy Blecha, Superintendent
Fowler Elementary School District
1617 South 67th Avenue
Phoenix, Arizona 85043

Dear Dr. Blecha:

The Arizona Department of Transportation (ADOT), in coordination with the Federal Highway Administration (FHWA) is preparing an Environmental Impact Statement (EIS) to evaluate alternatives for a proposed South Mountain Freeway alignment (Figure 1). We are in the process of finalizing information on Section 4(f) properties gathered from your school district to date.

Section 4(f) properties are publicly owned parks and recreation areas, waterfowl and wildlife refuges, and historic sites considered to have national, state, or local significance. Schools within the study area may be considered Section 4(f) recreational areas if they are available for walk-on public use during off-school hours. We have identified the following Fowler Elementary District schools/planned schools within ¼ mile of the proposed South Mountain Transportation corridor alignments:

- Santa Maria Middle School
- Sunridge Elementary School

During previous conversations, the following planned schools were identified; however, these schools are not currently within ¼ mile of any of the proposed alignments:

- Western Valley Middle and Elementary Schools (Same Site)
- Sun Canyon Elementary School
- Tuscano Elementary School (County Assessor Parcel Number 104-49-001B)
- 71st Avenue and Elwood (County Assessor Parcel Number 104-49-001B)
- 79th Avenue and Elwood (County Assessor Parcel Number 104-53-001B)
- 71st Avenue and Durango (County Assessor Parcel Number 104-36-001A)

Based on earlier conversations and correspondence, school grounds are available for individuals during off-school hours; however, groups must register and fill out a facilities use agreement.

To ensure that the above information is correct please indicate whether the information is still current or if there are changes. Please respond in writing to Audrey Unger, HDR Engineering, Inc. via US



Mail at 3200 East Camelback Road, Suite 350, Phoenix, Arizona 85018 or by email at Audrey.Unger@hdrinc.com. A response received by January 14, 2005 or sooner would be greatly appreciated. Thank you for your continued assistance.

Sincerely yours,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure

cc:
SThomas
BVachon
R Ellis (619E)
AUnger (HDR)
SDThomas:cdm



Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-2264

December 15, 2005

In Reply Refer To: NH-202-D(ADY)
TRACS No.: 202L: MA 054 H5764 01L
South Mountain Transportation Corridor

Mr. Mark Busch
Executive Director of Support Services
Issac School District
3348 West McDowell Road
Phoenix, Arizona 85009

Dear Mr. Busch:

The Arizona Department of Transportation (ADOT), in coordination with the Federal Highway Administration (FHWA) is preparing an Environmental Impact Statement (EIS) to evaluate alternatives for a proposed South Mountain Freeway alignment (Figure 1). We are in the process of finalizing information on Section 4(f) properties gathered from your school district to date.

Section 4(f) properties are publicly owned parks and recreation areas, waterfowl and wildlife refuges, and historic sites considered to have national, state, or local significance. Schools within the study area may be considered Section 4(f) recreational areas if they are available for walk-on public use during off-school hours. We have identified the following Issac District schools/planned schools within ¼ mile of the proposed South Mountain Transportation corridor alignments:

- Moya Elementary School
- Udall School
- Esperanza Elementary and Preschools
- Sutton Elementary School
- Zito Elementary School
- Mitchell Elementary School
- Issac Middle School
- Carl T. Smith Middle School

Based on earlier conversations, schools within the Issac School District are fenced and locked and prior arrangements need to be made to use these facilities during non-school hours. No other schools planned or otherwise have been identified.

To ensure that the above information is correct please indicate whether the information is still current or if there are change. Please respond in writing to Audrey Unger, HDR Engineering, Inc. via US Mail



at 3200 East Camelback Road, Suite 350, Phoenix, Arizona 85018 or by email at Audrey.Unger@hdrinc.com. **A response received by January 14, 2005 or sooner would be greatly appreciated.** Thank you for your continued assistance.

Sincerely yours,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure

cc:
SThomas
BVachon
R Ellis (619E)
AUnger (HDR)
SDThomas:cdm



Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-2264

December 15, 2005

In Reply Refer To: NH-202-D(ADY)
TRACS No.: 202L: MA 054 H5764 01L
South Mountain Transportation Corridor

Ms. Bonni Pomush, Assistant Director
Auxiliary Student Services
Kyrene School District
8700 South Kyrene Road
Tempe, Arizona 85284-2197

Dear Ms. Pomush:

The Arizona Department of Transportation (ADOT), in coordination with the Federal Highway Administration (FHWA) is preparing an Environmental Impact Statement (EIS) to evaluate alternatives for a proposed South Mountain Freeway alignment (Figure 1). We are in the process of finalizing information on Section 4(f) properties gathered from your school district to date.

Section 4(f) properties are publicly owned parks and recreation areas, waterfowl and wildlife refuges, and historic sites considered to have national, state, or local significance. Schools within the study area may be considered Section 4(f) recreational areas if they are available for walk-on public use during off-school hours. We have identified the following Kyrene District schools/planned schools within ¼ mile of the proposed South Mountain Transportation corridor alignments:

- Kyrene Akimel A-all Middle School
- Kyrene de los Lagos Elementary School
- Kyrene de la Estrella Elementary School

Based on earlier conversations and correspondence, school grounds are locked after hours and on-site security will redirect individuals who have not received approved use of the facilities. Kyrene Schools Districts is not currently planning any new schools.

To ensure that the above information is correct please indicate whether the information is still current or if there are change. Please respond in writing to Audrey Unger, HDR Engineering, Inc. via US Mail at 3200 East Camelback Road, Suite 350, Phoenix, Arizona 85018 or by email at Audrey.Unger@hdrinc.com. **A response received by January 14, 2005 or sooner would be greatly appreciated.** Thank you for your continued assistance.

Sincerely yours,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure
cc: SThomas, BVachon, R Ellis (619E), AUnger (HDR)
SDThomas:cdm





Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-2264

December 15, 2005

In Reply Refer To: NH-202-D(ADY)
TRACS No.: 202L: MA 054 H5764 01L
South Mountain Transportation Corridor

Dr. Bill Johnson, Assistant Superintendent
Laveen Elementary School District
P. O. Box 29
9401 South 51st Avenue
Laveen, Arizona 85339

Dear Dr. Johnson:

The Arizona Department of Transportation (ADOT), in coordination with the Federal Highway Administration (FHWA) is preparing an Environmental Impact Statement (EIS) to evaluate alternatives for a proposed South Mountain Freeway alignment (Figure 1). We are in the process of finalizing information on Section 4(f) properties gathered from your school district to date.

Section 4(f) properties are publicly owned parks and recreation areas, waterfowl and wildlife refuges, and historic sites considered to have national, state, or local significance. Schools within the study area may be considered Section 4(f) recreational areas if they are available for walk-on public use during off-school hours. We have identified the following Laveen District schools/planned schools within ¼ mile of the proposed South Mountain Transportation corridor alignments:

- Laveen Farms Future School
- Laveen Meadows Future School

Based on earlier conversations, these schools were originally planned to be fenced and locked after school hours and were not yet owned by the school district. Due to funding limitations these plans have changed and the schools will not be fenced and the intent is to now permit pedestrian access to recreational areas during off-school hours.

To ensure that the above information is correct please indicate whether the information is still current or if there are change. Please respond in writing to Audrey Unger, HDR Engineering, Inc. via US Mail at 3200 East Camelback Road, Suite 350, Phoenix, Arizona 85018 or by email at Audrey.Unger@hdrinc.com. **A response received by January 14, 2005 or sooner would be greatly appreciated.** Thank you for your continued assistance.

Sincerely yours,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure
cc: SThomas, BVachon, R Ellis (619E), AUnger (HDR)
SDThomas:cdm



Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-2264

December 15, 2005

In Reply Refer To: NH-202-D(ADY)
TRACS No.: 202L: MA 054 H5764 01L
South Mountain Transportation Corridor

Mr. Gene Gardner, Business Manager
Littleton Elementary School District
P.O. Box 280
Cashion, Arizona 85329

Dear Mr.: Gardner

The Arizona Department of Transportation (ADOT), in coordination with the Federal Highway Administration (FHWA) is preparing an Environmental Impact Statement (EIS) to evaluate alternatives for a proposed South Mountain Freeway alignment (Figure 1). We are in the process of finalizing information on Section 4(f) properties gathered from your school district to date.

Section 4(f) properties are publicly owned parks and recreation areas, waterfowl and wildlife refuges, and historic sites considered to have national, state, or local significance. Schools within the study area may be considered Section 4(f) recreational areas if the recreational facilities are available for walk-on public use during off-school hours. We have identified the following Littleton Elementary District schools/planned schools within ¼-mile of the proposed South Mountain Transportation corridor alignments:

- Trend site: Cocopah Street and 118th Avenue; South of Buckeye between El Mirage and Avondale Blvd.
- Farmington Glen: South of Broadway between 99th Ave and 95th Ave.
- Roy's Place: North of Buckeye between Avondale and 107th Ave (property not yet purchased)

The following schools have been set aside by the developer for schools, however the District and developer have not entered into the one-year opting period. During the opting period the District can reject a property unsuitable as a school site.

- Pylman Dairy: South of Lower Buckeye between El Mirage and Avondale Blvd.
- Evergreen: South of Broadway and 111th Ave
- Lakin Cattle Ranch: 2 properties South of Broadway between Avondale Blvd and Dysart Road
- Del Rio Vista: North of Lower Buckeye East of El Mirage

Based on earlier conversations, school grounds are fenced and locked during non-school hours and pre-arrangement of after hour's activities is necessary. This policy will also apply to future schools.



To ensure that the above information is correct please indicate whether the information is still current or if there are change. Please respond in writing to Audrey Unger, HDR Engineering, Inc. at 3200 East Camelback Road, Suite 350, Phoenix, Arizona 85018 or by email at Audrey.Unger@hdrinc.com. **A response received by January 13, 2005 or sooner would be greatly appreciated.** Thank you for your continued assistance.

Sincerely yours,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure

cc:
SThomas
BVachon
R Ellis (619E)
AUnger (HDR)
SDThomas:cdm



Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-2264

December 15, 2005

In Reply Refer To: NH-202-D(ADY)
TRACS No.: 202L: MA 054 H5764 01L
South Mountain Transportation Corridor

Dr. Ron Richards, Superintendent
Pendergast School District
3802 North 91st Avenue
Phoenix, Arizona 85037

Dear Dr. Richards:

The Arizona Department of Transportation (ADOT), in coordination with the Federal Highway Administration (FHWA) is preparing an Environmental Impact Statement (EIS) to evaluate alternatives for a proposed South Mountain Freeway alignment (Figure 1). We are in the process of finalizing information on Section 4(f) properties gathered from your school district to date.

Section 4(f) properties are publicly owned parks and recreation areas, waterfowl and wildlife refuges, and historic sites considered to have national, state, or local significance. Schools within the study area may be considered Section 4(f) recreational areas if they are available for walk-on public use during off-school hours. We have identified the following Pendergast School District schools/planned schools within ¼ mile of the proposed South Mountain Transportation corridor alignments:

- Pendergast Elementary School

Based on earlier conversations and correspondence with Carolyn Buechler at the District and David Morales at Facilities, the schools in the Pendergast District are fenced and locked during non-school hours. School facilities are available to the community provided arrangements are made in advance. No planned schools were identified.

To ensure that the above information is correct please indicate whether the information is still current or if there are change. Please respond in writing to Audrey Unger, HDR Engineering, Inc. via US Mail at 3200 East Camelback Road, Suite 350, Phoenix, Arizona 85018 or by email at Audrey.Unger@hdrinc.com. **A response received by January 14, 2005 or sooner would be greatly appreciated.** Thank you for your continued assistance.

Sincerely yours,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure

cc: SThomas, BVachon, R Ellis (619E), AUnger (HDR)
SDThomas:cdm

